

TOWN OF NEWSTEAD
ZONING BOARD OF APPEALS
MINUTES of May 20, 2003

Present: Corky Keppler
Dave Wakeman
Bill Kaufman
Ike Cummings
Rebecca Baker, Zoning Officer
Christine Falkowski, Recording Secretary

Corky called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the American flag.

Public Hearing – Use Variance/Special Use Permit for Retail Sales of Deer Scent Products

The public hearing was opened to hear comments for or against the use variance and special use permit request for retail sales of deer scent products, etc. on a 55-acre parcel on Barnum Road owned by Five Star Enterprises, to be purchased by Robert & Pati Vacanti of Northern Whitetail Scents. The parcel is zoned R-A, and does not allow retail sales. Northern Whitetail Scents is a white-tailed deer farm in Warsaw, NY that collects and bottles fresh deer scents for wholesale and retail purposes. Products include urine based gels, animal cover scents, scent eliminator, scent dispensers, scent-free soaps and shampoos, antlers, and limited other deer hunting related items as well as deer squeeze and transport crates. Fawns are bottle-raised. The Vacanti's are licensed to collect and possess non-releasable New York State white-tailed deer, which are provided by the DEC. They currently have 44 deer, but are licensed to have 59 on enclosed land. The Vacanti's would like to move their home and business from Warsaw to Newstead to be closer to family and to Northeastern Appraisal in Williamsville, which Mr. Vacanti owns.

Ten-foot high enclosure fences are required by the DEC on the perimeter. The Vacanti's will need a variance for this, as 6' is maximum height for Newstead; but we will not require a separate application. There are 12 acres of federal wetlands that have been delineated behind the property. The Army Corps of Engineers has determined that a permit is not required for fencing because the work involved does not involve a discharge of dredged or fill material into "waters of the United States". Documentation states that although a permit is not required, they request that proper measures be taken to prevent unintentional discharges from entering the waterway. They plan to build a home with a setback of 185' with a 60 x 60' barn with attached 30 x 18' showroom adjacent to the house. After expansion, they plan to have seven pens. The season runs mid-September through November, seven days a week from Noon – 9:00PM. Parking will be available for 6 – 10 cars on a blacktop drive, but they average two vehicles at one time. Customers average 0 – 10 Monday – Friday, and 25 customers on Saturday and Sunday. Four – five tours are given during fawning season July - August. A septic system for the house and one for the barn will be pumped five times per year. Fawns are sold in NY State only and transported by pet-porter or pickup truck; no large trucks. Product is shipped nationwide via UPS, FedEx and the Post Office four days per week. Travel crates are made to order by request. Pati Vacanti and another worker run the business, although there are possible employment opportunities.

Deer scent is kept in sealed, plastic containers. Bottled product is wax-capped. There are no odor problems any different than a typical small farm. Deer pens are sanitized and power washed with bleach twice a day. Average animal weight is 200 lbs. Thomas Pautler of Dorsch Road and _____ of _____ Road inquired about Chronic Wasting Disease and vaccinations. Pati stated that the veterinarian vaccinates them for Bercilosis, and they are TB tested. There is no vaccination for Chronic Wasting Disease, but the deer are tested annually. Pati stated that they are State accredited. Dave Wakeman stated that he will visit the Wyoming County site, and Pati requested that he call first so that she can be available. Becky was asked to contact the Code Enforcement Officer in Warsaw. Tom Cowan was present and indicated that an annually renewable special use permit would allow for feedback from neighbors. Also, a site plan would provide control of lighting, parking, etc. The parcel fits the Vacanti's business and appears that it would be a good use of this land. Bill motioned to close the hearing at 8:30 PM, seconded by Ike and all approved. Ike motioned to table this decision until June 3, 2003, seconded by Dave and all approved.

Discussion of area variance request of 90' frontage for 29-acre lot on Barnum Road-Haberneck

Mr. Haberneck stopped by the office and stated that he has not had the opportunity to approach a developer, but he currently has an interested buyer. The extensive wetlands on this site may hinder major subdivision development. The cost of building a road is \$250 per foot. Newstead may wish to consider allowing flag lots with access in the future, such as Marilla does. Otherwise, backland or flag lots remain unused space. Bill made a motion to reconvene on this issue June 3, 2003 and invite Mr. Haberneck to attend, seconded by Dave and all approved.

Ike made a motion to close the meeting at 8:50 PM, seconded by Bill and all approved.

Respectfully submitted,
Christine B. Falkowski,
Recording Secretary